
COMPLIANCE REVIEW
CENTRAL VALLEY PAROLE



Prepared by:

California Department of Corrections and Rehabilitation
Office of Audits and Compliance

Final Report

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SEX OFFENDER REGISTRATION

Parole Services Manual, Section 4070 and Penal Code, Sections 290 and 3003.5 (b)

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EXECUTIVE SUMMARY

The Office of Audits and Compliance, Compliance/Peer Review Branch (CPRB) reviewed the Parole Services Manual, Section 4070, and Penal Code, Sections 290 and 3003.5 (b) to determine whether the Division of Juvenile Parole Operations (DJPO), Central Valley Parole is in compliance with parolees registering as sex offenders within the time constraints. In addition, the CPRB determined whether the parolees who are required to register as sex offenders are living the necessary distance from schools or parks where children regularly gather.

On May 30, 2008 the Office of Juvenile Research utilized the Offender Based Information Tracking System (OBITS) to provide a list of parolees who are required to register pursuant to Penal Code, Section 290. The list contained a total of 164 parolees that are required to register and assigned to various parole offices. The CPRB determined that the review would be conducted at Central Valley Parole due to the large number of parolees that are required to register as sex offenders. Of the 164 parolees, 28 were assigned to Central Valley Parole during the review period.

The review period was January 1, 2006 through June 12, 2008. The CPRB selected a sample size of 11 parolee records to review out of the 28 parolees who are required to register as sex offenders. A recent sample size was selected; of the 11 parolees sampled, 7 were on parole at least one year and 4 of the 11 parolees were placed on parole in 2008.

The CPRB determined that Central Valley Parole is not in compliance with the Parole Services Manual, Sections 4070; and Penal Code, Sections 290 and 3003.5 (b).

The findings are as follows:

- Parolees violating the proximity requirement;
- Untimely registration;
- No current copy of registration in the field file;
- Lack of updated registration after birth date;
- Lack of updated registration after address change; and
- Parole agents not documenting the date of receipt of registration.

BACKGROUND

The CPRB selected parolee Sex Offender Registration for review due to the high risk sex offenders pose to the community. The CPRB contacted a parole agent II, specialist, in the field who provided a copy of a memorandum, dated January 10, 2008, from the Acting Director of the DJPO. The memorandum provided clarification regarding Penal Code, Section 3003.5 (b) Jessica's Law; which was implemented on November 7, 2006. The only portion of Jessica's Law that applies to the Division of Juvenile Justice is Penal Code, Section 3003.5 (b). It requires the Deputy Regional Administrators to enforce Penal Code, Section 3003.5 (b), which states: "Notwithstanding any other provision of law, it is unlawful for any person for whom registration is required pursuant to Section 290 to reside within 2,000 feet of any public or private school, or park where children regularly gather."

The DJPO informed the CPRB that parole agents can use Google, Google Earth, or seek assistance from an adult parole agent who has access to a Global Positioning System (GPS) tracking device. These tools help to determine the parolee's residence proximity to schools or parks where children regularly gather.

The Office of Juvenile Research utilized OBITS to provide a list of parolees to the CPRB who are required to register pursuant to Penal Code, Section 290 as of May 30, 2008. There are 164 parolees that are required to register at various parole offices.

The specific objectives of the review were to determine whether:

- Parole staff members are aware of the statutory time frames and ensure that all documents are appropriately filed as a record of compliance;
- Registration is occurring within five working days of release.
- Updates are occurring annually within five working days of the parolee's birth date or upon a change of location or place of residence;
- Parolees are living within 2,000 feet of any public or private school or park where children regularly gather; and
- Parolees are providing proof of registration to the parole agent within six working days of release.

The CPRB determined whether the objectives were met by reviewing:

- Parole Services Manual, Section 4070;
- Penal Code, Sections 290 and 3003.5 (b);
- Parolee's field files;
- Parole agent's files (Slough files);
- Parole office policies and procedures;
- Field Information System (FIS);
- Interviews;
- SS-8102S, Sex Offender Registration;
- Google Earth.

FINDINGS AND RECOMMENDATIONS

Finding I: Parolees violating the proximity requirement

Parolees are living within 2,000 feet of a school. Out of 11 parolees, 2 (18 percent) are violating the proximity requirement and live within 2,000 feet of a school.

The CPRB reviewed field files and the FIS to determine the parolee's address and used Google Earth to determine the distance from schools and parks. After conducting interviews, the CPRB found that the parole agent assigned to the Sex Offender case was placed in the position in April of 2008. The parole agent did not receive training regarding Jessica's Law or a GPS tracking device to measure the adequate distance from schools or parks where children regularly gather.

Criteria:

Penal Code, Section 3003.5 (b) which states: "Notwithstanding any other provision of law, it is unlawful for any person for whom registration is required pursuant to Section 290 to reside within 2,000 feet of any public or private school or park where children regularly gather."

A memorandum dated, January 10, 2008, written by the Acting Director of the DJPO requiring the DJPO to be in compliance with Penal Code, Section 3003.5 (b).

Recommendation(s):

Establish a committee that incorporates parole agents, supervisors, and administrators from various parole offices to assist in reviewing the Parole Services Manual. The revision process would include changes pursuant to Penal Code, Section 3003.5 (b). The committee would also address the deficiencies of the current manual regarding Sex Offender Registration Requirements.

Adapt the Division of Adult Parole Operations policy and procedures regarding the proximity from schools or parks where children regularly gather. Standardize the policy for all parole offices.

Conduct training for all parole staff on changes to the Penal Code, as it relates to parole. Provide Google Earth and GPS hand held tracking devices to all agents responsible for monitoring parolees who are required to register pursuant to Penal Code, Section 290. Standardize the training for all offices.

Develop a standardized Policy and Procedure Manual for use by parole agents who are assigned to monitor parolees.

Finding II: Untimely registration

A parolee did not complete their Sex Offender Registration in a timely manner. Out of ten parolees, one (ten percent) failed to register as a sex offender within five working days of release from the institution. The CPRB reviewed the parolee's field file and determined that the parolee registered approximately one month and four days after his release from the facility.

The CPRB could not determine whether another parolee registered within five days due to the Sex Offender Registration update not being in the field file.

The CPRB determined the cause of untimely registration is contributed to the lack of a tracking system in place to monitor the requirements of sex offender registration.

Criteria:

Parole Services Manual, Section 4070 states: "Both Criminal Court and Juvenile Court commitments are required to register as sex offenders for the commission or attempted commission of offenses specified in PC 290(a)(1) and PC 290(d)(1) respectively. Registration is required within five working days of release. Updates are required annually within five working days of a birthday or upon change of location or place of residence."

Penal Code Section 290.011 (a) states: "He or she shall register, or reregister if the person has previously registered, within five working days from release from incarceration, placement or commitment, or release on probation, pursuant to subdivision (b) of Section 290...."

Recommendation(s):

Develop a monitoring system to ensure that parolees are registering within five working days of their release.

Finding III: No current copy of registration in the field file

One field file had no current copy of the Sex Offender Registration form. Out of 11 parolees, 1 (9 percent) field file did not include a copy of the parolee's most recent Sex Offender Registration. However, the parolee had noncurrent copies of the Sex Offender Registration in their field file.

The CPRB determined the reason there was not a current copy of the registration in the field file due to DJPOCV not having a tracking system to accurately monitor the sex offender registration requirements; and not having policies and procedures that address sex offender registration. The parole agent informed the CPRB that the agent remembers the parolee providing the Sex Offender Registration form. However, the agent was not able to produce the form.

Criteria:

Parole Services Manual, Section 4070 states: "Registration and DNA forensic identification requirements for each parolee shall be determined by a review of the Special Case Requirement/Notification YA 1.602, which is completed by Intake and Court Services at the time an offender is accepted by the Youth Authority. Parole staff shall be aware of these requirements, shall ensure that the appropriate procedures are initiated within statutory time frames and shall ensure that all documents are appropriately filed as a record of compliance."

Recommendation(s):

Develop procedures to ensure documents are filed and placed in the newly developed standardized Policy and Procedures Manual.

Finding IV: Lack of updated registration after birth date

Parolees are not updating their registration in a timely manner. Out of 11 parolees, 7 (64 percent) failed to update their Sex Offender Registration within 5 working days of their birth date.

After reviewing data from the parolee's field files, the CPRB determined that the parolees are not consistently updating their registration on their birth date. Seven parolees updated their registration, but not within five working days of their birth date. There were no dates indicated in FIS regarding updated registration.

The CPRB determined the cause for parolees not updating their registration in a timely manner is due to the lack of a tracking system to accurately monitor the sex offender registration.

Criteria:

Parole Services Manual, Section 4070, states: "Sex Offender Registration (Penal Code, Section 290) Both Criminal Court and Juvenile Court commitments are required to register as sex offenders for the commission or attempted commission of offenses specified in PC 290(a)(1) and PC 290(d)(1) respectively. Registration is required within five working days of release. Updates are required annually within five working days of a birthday or upon change of location or place of residence."

Penal Code, Section 290.012 (a) states: "Beginning on his or her first birthday following registration or change of address the person shall be required to register annually, within five working days of his or her birthday, to update his or her registration with the entities described in subdivision (b) of Section 290. At the annual update, the person shall provide current information as required on the Department of Justice annual update for, including the information described in paragraphs (1) to (3), inclusive of subdivision (a) of Section 290.015."

Recommendation(s):

Establish a system to accurately monitor the registration process.

Incorporate Penal Code, Section 290 changes into the Parole Services Manual.

Finding V: Lack of updated registration after address change

Parolees are not updating their Sex Offender Registration when they have a change of address. Out of 11 parolees, 2 changed residences during their parole and were required to update their registration. Of that number, 1 parolee (50 percent) failed to update their Sex Offender Registration within five working days of their change of address.

The CPRB determined the cause for parolees not updating their Sex Offender Registration within five working days is contributed to the lack of a tracking system to monitor the sex offender registration process accurately.

Criteria:

Parole Services Manual, Section 4070, states: "Sex Offender Registration (Penal Code Section 290) Both Criminal Court and Juvenile Court commitments are required to register as sex offenders for the commission or attempted commission of offenses specified in PC 290(a)(1) and PC 290(d)(1) respectively. Registration is required within five working days of release. Updates are required annually within five working days of a birthday or upon change of location or place of residence.

Penal Code Section 290.012 (a) states: "Beginning on his or her first birthday following registration or change of address the person shall be required to register annually, within five working days of his or her birthday, to update his or her registration with the entities described in subdivision (b) of Section 290. At the annual update, the person shall provide current information as required on the Department of Justice annual update for, including the information described in paragraphs (1) to (3), inclusive of subdivision (a) of Section 290.015."

Recommendation(s):

Develop a system to monitor the process of updating Sex Offender Registration within five working days when there is a change of address.

Finding VI: Parole agents not documenting the date of receipt of registration

Parole agents are not documenting the date the parolee provided the Sex Offender Registration to them. The CPRB reviewed field files and FIS and did not find documentation of when the parolee provided the parole agent a copy of their Sex Offender Registration. Out of 11 parolee's field files, 10 (90 percent) did not contain documentation that the parolee provided the parole agent with a copy of their Sex Offender Registration within six working days of their release.

The CPRB determined the reason parolees are not providing their Sex Offender Registration within six working days is attributed to a lack of training for the parole agents, no Policy and Procedures Manual, and the Parole Services Manual does not specifically identify or designate where to document the submission date. Additionally, there is no departmental form to document the date the parolee provides proof of registration to the parole agent.

Criteria:

Parole Services Manual, Section 4070, states: "Registration and DNA forensic identification requirements for each parolee shall be determined by a review of the Special Case Requirement/Notification, YA 1.602, which is completed by Intake and Court Services at the time an offender is accepted by the Youth Authority. Parole staff shall be aware of these requirements, shall ensure that the appropriate procedures are initiated within statutory time frames and shall ensure that all documents are appropriately filed as a record of compliance...."

"Parolees must provide proof of registration to the parole agent within six working days of release. The six day period may be extended by the parole agent upon determination that unusual circumstances exist relating to the availability of local law enforcement registration capabilities that preclude the parolee's ability to meet the deadline."

Recommendation(s):

Create a standardized form that confirms when the parole agent received verification of the parolee's registration. Place this information in the newly developed standardized Policy and Procedures Manual.

Review of Sex Offender Registration

CENTRAL VALLEY PAROLE

GLOSSARY

CPRB	Compliance/Peer Review Branch
DJPO	Division of Juvenile Parole Operations
FIS	Field Information System
GPS	Global Positioning System
OBITS	Offender Based Information Tracking System